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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,685	05/18/2001	Toshiro Suzuki	56639849X00	3597
24956	7590	05/18/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			DAVIS, CYNTHIA L	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,685

Applicant(s)

SUZUKI ET AL.

Examiner

Cynthia L Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/18/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Roy.

Regarding claim 1, a method of mobile communication between a base station and mobile station. Transmitting a call control information through a call control channel and transmitting a spread code used for spreading demodulation of said call control information through a perch channel is disclosed in Nakamura, column 3, lines 8-12 (the system has a plurality of channels, some of which are control channels; all of them are spread). Said perch channel and said call control channel being arranged such that an error rate becomes less than or equal to a threshold level when said mobile station receives said call control channel is disclosed in figure 85 (they are arranged to minimize the error rate). The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing from Nakamura.

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However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Regarding claim 2, said call control channel and a part that is provided in said perch channel and is not orthogonal to said call control channel in terms of a code are arranged such that the error rate becomes less than or equal to the threshold level when said call control channel is received is disclosed in figure 85 (they are arranged to minimize the error rate).

Regarding claim 3, the call control channel being interleaved is disclosed in column 21, lines 61-64.

Regarding claim 4, a method of mobile communication between a base station communicates and a mobile station. Transmitting a call control information through a call control channel and transmitting a spread code used for despreading demodulation of said call control information through a perch channel is disclosed in Nakamura, column 3, lines 8-12 (the system has a plurality of channels, some of which are control channels; all of them are spread). The perch channel and the call control channel being arranged in a time base such that said mobile station can demodulate said call control channel is disclosed in figure 85 and column 13, lines 10-11 (if it is used by mobile stations, they must be able to demodulate it). The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing

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from Nakamura. However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Regarding claim 5, a method of mobile communication between a base station and a mobile station. Transmitting a call control information through a call control channel for transmitting call control information and transmitting a spread code used for despreading demodulation of said call control information through a perch channel is disclosed in Nakamura, column 3, lines 8-12 (the system has a plurality of channels, some of which are control channels; all of them are spread). The call control channel being power controlled such that said mobile station can demodulate the call control channel is disclosed in column 35, lines 45-46, and column 13, lines 10-11 (if the mobile stations can use the call control channel, they must be able to demodulate it). The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing from Nakamura. However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Regarding claim 6, a first channel generating part for spreading call control information with a first spreading code to generate a call control channel is disclosed in column 3, lines 8-12 (all the communication channels, including the control channels, are spread) and column 13, lines 10-11 (the control channel exists, therefore there must be a first channel generating part). A second channel generating part for generating a perch channel that transmits the first spreading code used for despreading modulation of said call control information is disclosed in column 12, lines 61-column 13, line 5. A channel multiplexing part for multiplexing the call control channel generated by said first channel generating part and the perch channel generated by said second channel generating part by arranging the call control channel and the perch channel in a time base such that said call control channel can be demodulated is disclosed in figure 85 and and column 13, lines 10-11 (if the mobile stations can use the call control channel, they must be able to demodulate it). The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing from Nakamura. However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Regarding claim 7, the channel multiplexing part arranging in a time base, the call control channel and the perch channels' part non-orthogonal in terms of a code such that said call control channel can be demodulated when received is disclosed in

figure 85 and column 13, lines 10-11 (if the mobile stations can use the call control channel, they must be able to demodulate it).

Regarding claim 8, the channel multiplexing part multiplexing said perch channel and the call control channel subjected to interleave is disclosed in column 2, lines 61-64.

Regarding claim 9, a control part for performing power control such that said call control channel can be demodulated is disclosed in column 35, lines 45-46, and column 13, lines 10-11 (if the mobile stations can use the call control channel, they must be able to demodulate it).

Regarding claim 10, a method of mobile communication using a CDMA multiplex technique, in which a base station communicated with a mobile station through a traffic channel for transmitting user data and through a perch channel for transmitting a spreading code used for demodulating the user data is disclosed in column 3, lines 8-12. The traffic channel having a call control channel subjected to time division multiplex is disclosed in column 19, lines 20-22. The call control channel and a part that is provided in said perch channel and does not have orthogonality to other channels is disclosed in figure 85. The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing from Nakamura. However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention

to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Regarding claim 12, a method of mobile communication using a CDMA multiplex technique in which a base station communicates with a mobile station through a traffic channel for transmitting user data and through a perch channel for transmitting a spreading code used for demodulating the user data is disclosed in column 3, lines 8-12. Said traffic channel being constructed such that said traffic channel has a call control channel subjected to time division multiplex is disclosed in column 19, lines 21-22. The signal of said call control channel and user data are subjected to time division multiplex and interleaving is disclosed in column 19, lines 20-22, and column 21, lines 61-64. The call control and perch channels being arranged relative to each other in a non-overlapping manner in a time base is missing from Nakamura. However, Roy discloses in column 1, lines 35-39, that conventional wireless systems arrange transmissions in a non-overlapping manner in order to ensure correct receipt of signals. It would have been obvious to one skilled in the art at the time of the invention to arrange the channels of Nakamura in a non-overlapping time basis. The motivation would be to ensure correct receipt of the signals.

Allowable Subject Matter

3. Claims 11 and 13-20 are allowed.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600